

**REMARKS**

Applicant would like to thank the Examiner for the careful consideration given the present application. The application has been carefully reviewed in light of the Office action, and amended as necessary to more clearly and particularly describe the subject matter which applicant regards as the invention.

The Examiner has objected to the incorporation by reference of two foreign applications. The specification has been amended to instead identify the corresponding published U.S. patent applications.

The Examiner has restricted out claim 24 of the application. Applicants respectfully traverse this restriction. The Examiner's attention is directed, for example, to originally filed claims 1 and 20. Both of these claims read also on the embodiment of FIG. 2. That claim 24 reads on the FIG. 2 is an improper reason for restriction given the embodiment of FIG. 2 is already under examination. Claim 20, in particular, is nearly a word picture of the embodiment of FIG. 2.

The Examiner has rejected claim 1 because of the use of the term "fixed manner", this term has been deleted from the claim. This makes this rejection moot for claim 1 and the claims depending therefrom.

The Examiner has rejected claims 3 and 4 because of the term "a step response of a low-pass filter". The Examiner correctly states that it is well-known in the art what the frequency response of a low-pass filter. Based on this, it is equally well-known what the step response of a low-pass filter is. Whether in the frequency domain or the time domain, the response is completely specified. In the frequency case it is the product of the frequency response of the filter and the Fourier transform of a step function, or in the time domain the convolution of the step function and the time response of the filter. Both results are fully determined and equivalent results that are well-known by one skilled in the art. See, for example, [www.digitalfilter.com](http://www.digitalfilter.com) or [www.maxim-ic.com/appnotes.cfm/appnote\\_number/3203](http://www.maxim-ic.com/appnotes.cfm/appnote_number/3203). It is respectfully submitted that the term "a step response of a low-pass filter" meets the requirements of section 112, 1st paragraph.

The Examiner has rejected claims 1, 2, 5-8, 11, 12, 1/19, 2/19, 5/19, 6/19, 7/19, 8/19, 11/19, 12/19, 20 and 22 as being anticipated by Killion et al.

Killion et al. switches parameters based on the sound environment on a continuous basis. Col. 9, lines 14-25. Killion et al. could remain in an intermediate state for as long as the two noise signals are of an equivalent weight.

The present invention as claimed, initiates the transition based on the sound environment, but

the actual transition that occurs thereafter is independent of the sound environment itself.

In view of this missing steps in Killion et al., it is respectfully submitted that the claims are not anticipated by Killion et al.

The Examiner has rejected claims 13, 14, 17, 18, 13/19, 14/19, 17/19, 18/19, and 22/23 as being unpatentable over Killion et al. in view of Ruegg; claims 3, 4, 9, 10, 3/19, 4/19, 9/19, 10/19, and 21 as being unpatentable over Killion et al. in view of Schotz; and claims 15, 16, 15/19, 16/19 and 21/23 as unpatentable over Killion et al. in view of Schotz and further view of Ruegg.

None of the cited references have the feature of initiating the transition based on the sound environment, but the actual transition occurring thereafter being independent of the sound environment itself, nor is such a feature suggested or motivated. For this reason, it is respectfully submitted that the cited claims are allowable over the art cited above.

The Examiner has rejected claims 1, 2, 5, 6, 13, 14, 17, 18, 1/19, 2/19, 5/19, 6/19, 13/19, 14/19, 17/19, 18/19, 20, 22, and 22/23 as being unpatentable over Park in view of Traini, Jr.

Park shows a video camera with multiple microphones that are used to create a sound field commensurate with the optical zoom settings of the camera. As set forth in the abstract, this function is performed on a continuous basis in response to the zoom signal.

Park adjusts its sound on the basis of optical zoom. This is not the same as doing it in response to the sonic environment. For example, relevant sounds may not even come from the optical environment. They may be to one side or behind the hearer. In addition, near sounds may be quiet and distant sounds loud. Further, the character of the sound (e.g., noise) is not necessarily related to optical distance. There is no assurance that the optical environment and the sonic environments will at all match. Park does not adjust to a momentary acoustic surround situation, rather it adjusts to an optical situation and hopes the sound will match.

Further, as noted above, Park operates on a continuous basis, unlike the claimed invention that initiates the transition based on the sound environment, but the actual transition that occurs thereafter is independent of the sound environment itself.

Neither Park or Traini, Jr. teach, suggest or motivate such a feature. It is respectfully submitted that the cited claims are allowable over the Park in view of Traini et al.

For the above reasons it is believed that the application as now amended is in condition for allowance and notice to such effect is respectfully requested.

If there are any additional fees resulting from this communication which are not

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covered by an enclosed check, please charge same to our Deposit Account No. 16-0820, our Order No. 34152.

Respectfully submitted,

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